

GAUNTLETT & ASSOCIATES

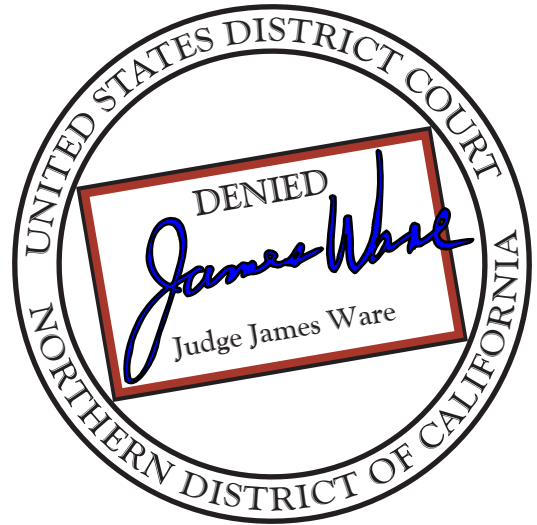
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Attorneys for Defendant
ST. PAUL FIRE & MARINE INSURANCE COMPANY



UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

INFOR GLOBAL SOLUTIONS (MICHIGAN),
INC., a Michigan corporation,

Plaintiff,

vs.

ST. PAUL FIRE & MARINE INSURANCE
COMPANY, a Minnesota corporation,

Defendant.

Case No.: 5:08-CV-02621-JW

Hon. James Ware

ORDER DENYING STIPULATION

PLEASE TAKE NOTICE THAT Plaintiff Infor Global Solutions (Michigan), Inc. ("Infor"), the successor-in-interest to previously named plaintiff E.piphany, Inc. ("E.piphany"), by its counsel, Gauntlett & Associates, and Defendant St. Paul Fire & Marine Insurance Company ("St. Paul"), by its counsel, Sedgwick, Detert, Moran & Arnold LLP, hereby agree and stipulate as follows:

1. WHEREAS, Infor filed its motion for partial summary judgment on June 12, 2008, and set it for hearing on October 27, 2008,

2. WHEREAS, St. Paul filed its cross-motion for summary judgment on October 6, 2008 also setting it for hearing on October 27, 2008,

3. WHEREAS, pursuant to Local Rule 7-2(a) and Local Rule 7-3(a), Infor needs additional time to file its opposition papers to St. Paul's cross-motion, requiring a resetting of the hearing date as to St. Paul's cross-motion,

4. WHEREAS, the parties agree that the pending cross-motions should be considered together by the Court after a single hearing and the parties are informed that the Court's first available date for setting civil motions is January 26, 2009,

5. WHEREAS, both parties request that the Court reset the October 27, 2008 hearing date on Infor's motion for partial summary judgment and St. Paul's cross-motion for summary judgment for a single hearing on January 26, 2009,

NOW, THEREFORE, THE PARTIES STIPULATE, AND REQUEST THE COURT TO ORDER, AS FOLLOWS:

1. The hearing date on Infor's motion for partial summary judgment and St. Paul's motion for summary judgment is reset from October 27, 2008 to January 26, 2009 at 9:00 A.M.

2. Opposition and reply papers shall be filed in accordance with the Local Rules of the United States District Court for the Northern District of California based on a January 26, 2009 hearing date.

IT IS SO STIPULATED

Dated: October 9, 2008

GAUNTLETT & ASSOCIATES

By: /s/ James A. Lowe

David A. Gauntlett
James A. Lowe
Christopher Lai

Dated: October 9, 2008

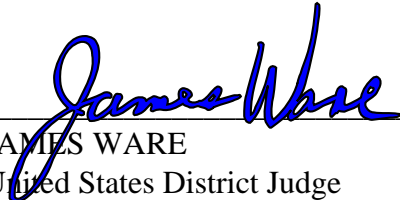
SEDGWICK, DETERT, MORAN & ARNOLD LLP

By: /s/ Bruce D. Celebrezze
Bruce D. Celebrezze
Michael A. Topp

***** ORDER *****

Since the issues raised in Plaintiff's Motion may moot the issues raised in Defendant's Cross-Motion, the Court DENIES the parties' Stipulation to continue the hearing on Plaintiff's Motion currently set for October 27, 2008.

Dated: October 14, 2008


JAMES WARE
United States District Judge